

VAJULY 96



VIRGINIA DEPARTMENT OF
ENVIRONMENTAL QUALITY

DEQUPDATE

July 1996

DEQ UPDATE is a monthly summary of all proposed regulations, amendments or repeals currently being considered by DEQ and its citizen boards. Changes in the status of regulations from previous issues of DEQ UPDATE are underlined. Regulations appearing for the first time are marked with an asterisk (*). Dates and schedules in parentheses are best estimates at the time of publication and are subject to change.

DEQ UPDATE is not the formal public notice for environmental regulations. Formal notice for specific regulations appears in The Virginia Register of Regulations, which is published every two weeks and is available at most public libraries. For an explanation of Virginia's regulatory adoption process, see the Appendix in the back of DEQ UPDATE. For copies of a specific regulation, call (804) 698-4378. For the complete text of a proposed regulation, consult the appropriate edition of The Virginia Register.

DEQ UPDATE is produced by DEQ's office of external affairs. Comments or questions are welcome; call 804-698-4446 or 1-800-592-54 VA. An electronic version of DEQ UPDATE is now available on the Internet. To download it via anonymous File Transfer Protocol, go directly to host <ftp.deq.state.va.us>. UPDATE is in the **pub/general/** directory. DEQ UPDATE and other environmental information also can be found at DEQ's World Wide Web site at: <http://www.deq.state.va.us>

SPECIAL NOTE TO READERS: The Virginia Register is now using a new Virginia Administrative Code (VAC) numbering system for Virginia regulations. The VAC numbers replace the Virginia Regulation (VR) numbers used in the past. To assist readers in the transition to the new numbering system, DEQ UPDATE will publish the VAC numbers as they are assigned and the former VR numbers (in parentheses) in all references for the next few months. To obtain a list of DEQ regulations and their corresponding new VAC numbers, call 804-698-4378.

AIR REGULATIONS

TITLE V AIR OPERATING PERMIT AND PERMIT FEE PROGRAMS (REVISION II) - The State Air Pollution Control Board proposes revisions to Virginia's federal operating permit and permit fee programs for stationary sources. The revisions are necessary to comply with federal Clean Air Act (Title V) requirements. The revisions would replace emergency regulations adopted on October 16, 1995, which will expire in one year. A draft proposal was reviewed by the Air Board on January 18, 1996, and authorized to be advertised for public comment. The public comment period has closed. Final review by the Air Board is tentatively scheduled for the Board's August 1996 meeting.

VAC Number: 9 VAC 5 Chapter 80 (VR 120-01, Revision II)
N.O.I.R.A. Published: December 11, 1995
Public Meeting: None held
Board Approval for Public Comment January 18, 1996
Public Hearing on Draft Regulation: May 21, 1996
Public Comment Period Closed: June 14, 1996
Adoption by Air Board: (August 1996)
Publication in Register: April 15, 1995
Contact: Robert Mann, (804) 6984419

STATE OPERATING PERMITS (REVISION SS) - The State Air Pollution Control Board proposes to amend its state operating permit regulation to make it consistent with current federal requirements. The regulation provides a means to make control measures federally enforceable without federal review through the issuance of state operating permits. A draft regulation is being developed. Initial review by the Air Board has not yet been scheduled.

VAC Number: 9 VAC 5 Chapter 80 (VR 120-01, Revision SS)
N. O. I.R.A. Published: January 8, 1996
Public Meeting: Feb. 8, 1996
Board Approval for Public Comment: (October 1996)
Public Hearing on Draft Regulation: (April 1997)
Public Comment Period Closes: (June 1997)
Adoption by Air Board: (August 1997)
Most Recent Publication in Register: January 8, 1996
Contact: Kathleen Sands, (804) 698-4413

NEW SOURCE REVIEW PERMITS FOR STATIONARY SOURCES (REVISION YY) - The State Air Pollution Control Board proposes to

amend the existing new source review permit regulation to make it consistent with federal requirements and the state objectives for the permit program. New source review permits are required for proposed new or expanded air pollution facilities and enable the state to conduct a preconstruction review of compliance with control technology and other standards, assess the impact of emissions and provide an enforceable mechanism to enforce permit program requirements. A draft regulation is being developed. Initial review by the Air Board has not yet been scheduled,

VAC Number: 9 VAC 5 Chapter 80 (VR 120-01, Revision YY)
N.O.I.R.A. Published: January 8, 1996
Public Meeting: Feb. 8, 1996
Board Approval for Public Comment: (October 1996)
Public Hearing on Draft Regulation: (April 1997)
Public Comment Period Closes: (June 1997)
Adoption by Air Board: (August 1997)
Most Recent Publication in Register: January 8, 1996
Contact: Mary E. Major, (804) 6984423

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PREVENTION OF SIGNIFICANT DETERIORATION NEW SOURCE REVIEW PROGRAMS (REVISION UU) - The State Air Pollution Control Board proposes to amend the regulation for the control and abatement of air pollution (revision UU) to conform with recent federal changes regarding prevention of significant deterioration new source review. A draft regulation was reviewed by the Air Board on December 19, 1995. A public hearing is scheduled for July 23, 1996. "ten comment will be accepted through August 9, 1996.

VAC Number: 9 VAC 5 Chapter 80 (VR 120-01, Rev. UU)
N.O.I.R.A. Published: October 16, 1995
Public Meeting: Nov. 15, 1995
Board Approval for Public Comment: December 19, 1995
Public Hearing on Draft Regulation: July 23, 1996
Public Comment Period Closes: August 9, 1996
Adoption by Air Board: (October 1996)
Most Recent Publication in Register: June 10, 1996
Contact: Karen Sabasteanski, (804) 6984426

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NEW TECHNICAL DOCUMENTS AND STANDARDS INCORPORATED BY REFERENCE (REVISION U) - The State Air Pollution Control Board proposes to amend the regulation for the control and abatement of air pollution (revision LL) to incorporate the latest technical references and standards (Appendix M). The amendments will ensure that Virginia's regulations are current and in conformance with federal requirements. A draft regulation was reviewed by the Air Board April 2, 1996, and authorized to be advertised for public comment. Dates and locations of public hearings will be published in a forthcoming edition of The Virginia Register.

VAC Number: 9 VAC 5 Chapter 20 (VR 120-01, Revision LL)
N.O.I.R.A. Published: Nov. 13, 1995
Public Meeting: Dec. 13, 1995
Board Approval for Public Comment: April 2, 1996
Public Hearing on Draft Regulation: (September 1996)

Public Comment Period Closes: (October 1996)
Adoption by Air Board: (December 1996)
Most Recent Publication in Register: Nov. 13, 1995
Contact: Karen Sabasteanski, (804) 698-4426

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TEST AND REPAIR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM FOR NORTHERN VIRGINIA - The State Air Pollution Control Board proposes a regulation creating an enhanced test and repair emissions testing program for motor vehicles in Northern Virginia. Northern Virginia has been designated a "serious" ozone nonattainment area because of elevated levels of ground-level ozone. The vehicle emissions inspection and maintenance program is designed to reduce ozone by identifying vehicles that have high emissions resulting from malfunctions and requiring them to be repaired. A draft regulation was reviewed by the Air Board April 2, 1996, and authorized to be advertised for public comment. Public hearings will be held August 7, 1996, in Annandale; and August 8, 1996, in Leesburg and Stafford. Public comment will be accepted through September 9, 1996.

VAC Number: 9 VAC 5 Chapter 91 (VR 120-99-06)
N.O.I.R.A. Published: October 2, 1995
Public Meeting: Nov. 2, 1995
Board Approval for Public Comment: April 2, 1996
Public Hearing on Draft Regulation: August 7, 1996
Public Comment Period Closes: September 9, 1996
Adoption by Air Board: (October 1996)
Most Recent Publication in Register: July 8, 1996
Contact: David Kinsey, (804) 698-4432

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GENERAL ADMINISTRATION - The State Air Pollution Control Board proposes a regulation that will eliminate duplicate and inconsistent administrative policies and procedures for air quality regulatory programs. Such a regulation would save staff time, reduce paperwork and produce more efficient and economical staff operations. A public meeting was held and public comment received. A draft regulation is now being developed. Initial review by the Air Board is tentatively scheduled for the Board's August 1996 meeting.

VAC Number: 9 VAC 5 Chapter 170 (VR 120-50-01)
N.O.I.R.A. Published: April 3, 1995
Public Meeting: May 4, 1995
Board Approval for Public Comment: (August 1996)
Public Hearing on Draft Regulation: (January 1997)
Public Comment Period Closes: (February 1997)
Adoption by Air Board: (April 1997)
Most Recent Publication in Register: April 3, 1995
Contact: Kathleen Sands, (804) 6984413

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EMISSIONS TRADING AND BANKING - The State Air Pollution Control Board proposes a regulation creating a program that would permit buying, selling and banking of air emission reduction credits. Such a program would allow new and existing business sources to

DATES ARE BEST ESTIMATES AND SUBJECT TO CHANGE

earn credits for reducing emissions, then to bank or trade those
its with other businesses. A draft regulation was reviewed by the
Joard on December 19, 1995, and authorized to be advertised
for public comment. Dates and locations of public hearings will be
published in a forthcoming edition of The Virginia Register.

VAC Number: 9 VAC 5 Chapter 140 (VR 120-50-04)
N.O.I.R.A. Published: December 26, 1994
Public Meeting: January 25, 1995
Board Approval for **Public Comment**: December 19, 1995
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Air Board: Not yet scheduled
Most Recent **Publication** in Register: December 26, 1994
Contact: Mary E. Major, (804) 698-4423

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CONFORMITY OF TRANSPORTATION PROJECTS WITH STATE
AIR POLLUTION PLANS - In accordance with requirements of the
federal Clean Air Act, the State Air Pollution Control Board proposes
a refutation establishing criteria for determining whether federally
funded transportation plans, programs and projects conform with
state plans for reducing ozone formation in nonattainment areas. The
public comment period has closed. Final review by the Air Board has
not yet been scheduled.

VAC Number: 9 VAC 5 Chapter 150 (VR 120-50-02)
N.O.I.R.A. Published: May 30, 1994
Public Meeting: June 29, 1994
Board Approval for **Public Comment**: March 7, 1995
Public Hearing on Draft Regulation: April 8, 9, 1996
Public Comment Period Closed: May 3, 1996
Adoption by Air Board: Not yet scheduled
Most Recent **Publication** in Register: March 4, 1996
Contact: Mary E. Major (804) 698-4423

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GENERAL CONFORMITY WITH STATE AIR POLLUTION PLANS -
In accordance with requirements of the federal Clean Air Act, the
State Air Pollution Control Board proposes a regulation establishing
criteria for determining whether federal non-transportation projects
conform with state plans for reducing ozone formation in
nonattainment areas. Federal projects that may be affected include
prescribed burning, military base closings and real estate
development. The public comment period has closed. Final review by
the Air Board has not yet been scheduled.

VAC Number: 9 VAC 5 Chapter 160 (VR 120-50-03)
N.O.I.R.A. Published: May 30, 1994
Public Meeting: June 29, 1994
Board Approval for **Public Comment**: March 7, 1995
Public Hearing on Draft Regulation: April 8, 9, 1996
Public Comment Period Closed: May 3, 1996
Adoption by Air Board: Not yet scheduled
Most Recent Publication in Register: March 4, 1996
Contact Karen Sabasteanski, (804) 698-4426

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VEHICLE EMISSIONS INSPECTION AND MAINTENANCE FOR
THE RICHMOND AREA - The State Air Pollution Control Board
proposes to adopt a regulation establishing a program for testing
emissions from motor vehicles in the Richmond area. A draft
regulation was reviewed by the Air Board Sept. 21, 1995, and
authorized for public comment. Dates and locations of public
hearings will be published in a forthcoming edition of The Virginia
Registrar.

VAC Number: 9 VAC 5 Chapter t 30 (VR 120-99-04)
N.O.I.R.A. Published: April 18, 1994
Public Meeting: May 18, 1994
Board Approval for **Public Comment**: Sept. 21, 1995
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Air Board: Not yet scheduled
Most Recent Publication in Register: April 18, 1994
Contact: David Kinsey, (804) 698-4432

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ACID RAIN OPERATING PERMITS (REVISION PP) - The State Air
Pollution Control Board proposes refutations establishing an
operating permit program for acid rain sources. The operating
permits, which are required by the federal Clean Air Act, would codify
regulatory requirements limiting emissions for businesses and
industries that release pollutants that are precursors to acid rain. The
public comment period has closed. Final review by the Air Board has
not yet been scheduled.

VAC Number: 9 VAC 5 Chapter 80 (VR 120-01, Rev. PP)
N.O.I.R.A. Published: Oct. 4, 1993
Public Meeting: Dec. 1, 1993
Board Approval for Public Comment June 27, 1995
Public Hearing on Draft Regulation: June 4, 1996
Public Comment Period Closes: June 28, 1996
Adoption by Air Board: Not yet scheduled
Most Recent Publication in Register: April 29, 1996
Contact: Robert Mann, (804) 698-4419

WATER REGULATIONS

ABOVEGROUND STORAGE TANK AND TANK VESSEL
REGULATIONS - The State Water Control Board proposes to
repeal four existing refutations relating to oil pollution prevention and
response, and combine the requirements into two new regulations.
To be repealed are Oil Discharge Contingency Plans and
Administrative Fees for Approval (VR 680-14-07); Tank Vessel
Financial Responsibility Requirements and Administrative Fees for
Approval (VR 680-14-08); Facility and Aboveground Storage Tank
Registration Requirements (7/R 680-14-12); and Aboveground
Storage Tank Pollution Prevention Requirements (VR 680-14-13).
Proposed regulations are Facility and Aboveground Storage Tank
Requirements (9 VAC 25-90-10 [VR 680-14-07]) and Tank Vessel
Requirements (9 VAC 25-100-10 [VR 680-14-08]). The intent is to
provide more uniform, clearly written, understandable regulations,
eliminate duplication, streamline government services and increase
performance and efficiency. Draft regulations are being developed.
Initial review by the Water Board has not yet been scheduled.

DATES ARE BEST ESTIMATES AND SUBJECT TO CHANGE

VAC Numbers: 9 VAC 25-90-10 (VR680-14-07:1 O), 9 VAC 25-100-0 (VR 680-14-08:1)
N.O.I.R.A. Published: Nov. 27, 1995
Public Meetings: Feb. 13 and 15, 1996
Board Approval for Public Comment: Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in Register: Nov. 27, 1995
Contact: David Ormes, (804) 698-4263

VPDES GENERAL PERMIT FOR CAR WASHES - The State Water Control Board proposes a regulation establishing a general VPDES permit governing wastewater discharges from car wash operations. A draft regulation was reviewed by the Water Board May 22, 1996, and authorized to be advertised for public comment. The dates and locations of public hearings will be published in a forthcoming edition of The Virginia Register.

VAC Number: Not yet assigned (VR 680-14-24)
N.O.I.R.A. Published: Sept. 18, 1995
Public Meeting: Oct. 18, 1995
Board Approval for Public Comment: May 22, 1996
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: (September 1996)
Most Recent Publication in Register: Sept. 18, 1995
Contact: George Cosby, (804) 698-4067

VPDES GENERAL PERMIT FOR READY-MIXED CONCRETE PLANTS - The State Water Control Board proposes a regulation establishing a general VPDES permit governing storm water and process wastewater discharges from ready-mixed concrete manufacturing operations. A draft regulation was reviewed by the Water Board May 22, 1996, and authorized to be advertised for public comment. Dates and locations of public hearings will be published in a forthcoming edition of The Virginia Register.

VAC Number: Not yet assigned (VR 680-14-25)
N.O.I.R.A. Published: Sept. 18, 1995
Public Meeting: Oct. 18, 1995
Board Approval for Public Comment: May 22, 1996
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: (September 1996)
Most Recent Publication in Register: Sept. 18, 1995
Contact: Lily Choi, (804) 698-4054

VPDES GENERAL PERMIT FOR FISH FARMS - The State Water Control Board proposes a regulation establishing a general VPDES permit governing wastewater discharges from fish farms. A draft regulation is being developed. Initial review by the Water Board is tentatively scheduled for the Board's September 1996 meeting.

VAC Number: Not yet assigned (VR 680-14-26)
N.O.I.R.A. Published: Sept. 18, 1995
Public Meeting: Oct. 18, 1995
Board Approval for Public Comment: (September 1996)
Public Hearing on Draft Regulation: (November 1996)
Public Comment Period Closes: (December 1996)
Adoption by Water Board: (March 1997)
Most Recent Publication in Register: Sept. 18, 1995
Contact: Michael Gregory, (804) 698-4065

VPDES GENERAL PERMIT FOR COOLING WATER DISCHARGES - The State Water Control Board proposes a regulation establishing a general VPDES permit governing wastewater discharges of cooling water. A draft regulation is being developed. Initial review by the Water Board is tentatively scheduled for the Board's September 1996 meeting.

VAC Number: Not yet assigned (VR 680-14-27)
N.O.I.R.A. Published: Sept. 18, 1995
Public Meeting: Oct. 18, 1995
Board Approval for Public Comment: (September 1996)
Public Hearing on Draft Regulation: (November 1996)
Public Comment Period Closes: (December 1996)
Adoption by Water Board: (March 1997)
Most Recent Publication in Register: Sept. 18, 1995
Contact: Lily Choi, (804) 698-4054

FEES FOR PERMITS AND CERTIFICATES - The State Water Control Board proposes to amend the existing permit fee regulation to better reflect the actual costs of permit review and issuance by incorporating recent statutory changes exempting agricultural operations and by establishing a schedule of reduced fees for reissuing permits to facilities complying with permit terms and conditions. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: 9 VAC 25-20-10 et seq. (VR 680-01-01)
N.O.I.R.A. Published: Sept. 4, 1995
Public Meeting: Oct. 12, 1995
Board Approval for Public Comment: (September 1996)
Public Hearing on Draft Regulation: (November 1996)
Public Comment Period Closes: (December 1996)
Adoption by Water Board: (March 1997)
Most Recent Publication in Register: Sept. 4, 1995
Contact: Richard Ayers, (804) 698-4075

WATER QUALITY STANDARDS: SITE-SPECIFIC AMMONIA STANDARD FOR SANDY BOTTOM BRANCH - The State Water Control Board proposes a regulation that would establish a site-specific ammonia standard for Sandy Bottom in Accomack County. The standard would allow discharges containing higher concentrations of ammonia than would be permitted by existing statewide water quality standards. Studies done in consultation with DEQ and EPA have indicated that the proposed higher standard will not harm aquatic life in Sandy Bottom. No environmental impact is

DATES ARE BEST ESTIMATES AND SUBJECT TO CHANGE

anticipated. A draft regulation was reviewed by the Water Board March 21, 1996, and authorized to be advertised for public comment, and locations of public hearings will be published in a forthcoming issue of The Virginia Register.

VAC Number: 9 VAC 25-260-310 (VR 680-21 -07.1)
N.O.I.R.A. Published: February 5, 1996
Board Approval for Public Comment: March 21, 1996
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Effective Date: Not yet scheduled
Most Recent Publication in Register: February 5, 1996
Contact: Alex Barren, (804) 698-4119

PETROLEUM UNDERGROUND STORAGE TANK FINANCIAL RESPONSIBILITY REQUIREMENTS - The State Water Control Board proposes a regulation that would amend existing financial responsibility requirements for petroleum underground storage tank facilities by providing a sliding scale based on gallons pumped annually. The regulation also would revise compliance dates. A proposed draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: 9 VAC 25-590-10 et seq. (VR 680-13-03)
N.O.I.R.A. Published: August 9, 1993
Public Meeting: Not yet scheduled
Board Approval for Public Comment: Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in Register: August 9, 1993
Contact: Mary-Ellen Kendall, (804) 6984298

VIRGINIA PETROLEUM STORAGE TANK FUND REQUIREMENTS - The State Water Control Board proposes a refutation that would expand guidelines for administering the Virginia Petroleum Storage Tank Fund (now a part of Section 21 of VR 680-13-03, Underground Storage Tank Financial Responsibility Requirements). The proposed regulation also would establish requirements for operators of exempt underground storage tanks and for facilities not regulated under the existing regulations. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-13-06)
N.O.I.R.A. Published: August 9, 1993
Board Approval for Public Comment Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in Register: August 9, 1993
Contact: Mary-Ellen Kendall, (804) 698-4298

GROUND WATER WITHDRAWAL REGULATION - The State Water Control Board proposes a regulation that would establish guidelines for permitting the withdrawal of ground water for agricultural and livestock operations. The regulation would amend existing ground water withdrawal requirements. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled. This regulation is being reviewed under Executive Order No. 15, which will determine the future of this proposed regulation.

VAC Number: 9 VAC 25-610-10 et seq. (VR 680-13-07)
N.O.I.R.A. Published: Sept. 20, 1993
Public Meeting: Oct. 25, 26, 1993
Board Approval for Public Comment: (September 1996)
Public Hearing on Draft Regulation: (November 1996)
Public Comment Period Closes: (December 1996)
Adoption by Water Board: (March 1997)
Most Recent Publication in Register: Sept. 20, 1993
Contact: Terry Wagner, (804) 698-4043

REPEAL OF TOXICS MANAGEMENT REGULATION - The State Water Control Board proposes to repeal the existing toxics management regulation. Toxics management in VPDES permits will be continued under the proposed new VPDES permit regulation (9 VAC 25-31-10 et seq. [VR 680-14-01.1]). The repeal was reviewed by the Water Board on March 21, 1994, and authorized to be advertised for public comment. Final consideration of the regulation was tabled by the Water Board May 22, 1996, for further review. A public meeting to receive additional comment on the proposed repeal has been scheduled for July 24, 1996, in Richmond. The repeal is tentatively scheduled to be reconsidered by the Water Board at the Board's September 1996 meeting.

VAC Number: 9 VAC 25-50-10 et seq. (VR 680-14-03)
N.O.I.R.A. Published: August 9, 1993
Board Approval for Public Comment: March 21, 1994
Public Meeting on Draft Regulation: July 24, 1996
Public Comment Period Closed Sept. 25, 1995
Adoption by Water Board: (September 1996)
Most Recent Publication in Register: July 24, 1995
Contact: Richard Ayers, (804) 698-4075

FINANCIAL RESPONSIBILITY REQUIREMENTS FOR ABOVEGROUND STORAGE TANKS - The State Water Control Board proposes a regulation setting the amount of financial responsibility that owners of aboveground petroleum storage tanks must demonstrate to property clean up and remediate an oil spill or leak. A draft refutation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-14-14)
N.O.I.R.A. Published: August 9, 1993
Board Approval for Public Comment: Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in Register: August 9, 1993
Contact: David Ormes, (804) 6984263

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NANDOAH RIVER SURFACE WATER MANAGEMENT AREA - The State Water Control Board proposes a regulation establishing a surface water management area for stretches of the Shenandoah River, including portions of the North Fork Shenandoah River and the South Fork Shenandoah River located in Clarke and Warren counties. The regulation would define the boundaries of the management area and set withdrawal limits to protect flow levels during droughts. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-15-04)
N.O.I.R.A. Published: August 9, 1993
Board Approval for **Public Comment:** Not yet scheduled
Public Hearing on **Draft Regulation:** Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in **Register:** August 9, 1993
Contact: Erlinda Patron, (804) 698-4047

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NORTH RIVER SURFACE WATER MANAGEMENT AREA - The State Water Control Board proposes a regulation establishing a surface water management area for the North River and all its tributaries above the confluence with the Middle River. The regulation would define the boundaries of the management area and set withdrawal limits to protect flow levels during droughts. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-15-05)
N.O.I.R.A. Published: August 9, 1993
Board Approval for **Public Comment:** Not yet scheduled
Public Hearing on **Draft Regulation:** Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in **Register:** August 9, 1993
Contact: Erlinda Patron, (804) 698-4047

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JAMES RIVER SURFACE WATER MANAGEMENT AREA - The State Water Control Board proposes a regulation establishing a surface water management area for the James River in the Richmond metropolitan area. The regulation would define the boundaries of the management area and set withdrawal limits to protect flow levels during droughts. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-15-06)
N.O.I.R.A. Published: August 9, 1993
Board Approval for **Public Comment:** Not yet scheduled
Public Hearing on **Draft Regulation:** Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in **Register:** August 9, 1993
Contact: Erlinda Patron, (804) 698-4047

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GENERAL VWP PERMIT FOR MINOR ROAD CROSSINGS - The State Water Control Board proposes a regulation establishing a general Virginia Water Protection permit for minor road crossings. The regulation would set standard conditions for the construction of minor road crossings and their associated fills and stream channel modifications, including monitoring and reporting requirements, as well as simplify and streamline the regulatory process. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-15-07)
N.O.I.R.A. Published: August 23, 1993
Public Meetings: Sept. 27, 28, 29, 30, 1993
Board Approval for **Public Comment:** Not yet scheduled
Public Hearing on **Draft Regulation:** Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in **Register:** August 23, 1993
Contact: Joseph Hassell, (804) 698-4072

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SMITH-DAN SUBAREA WATER QUALITY MANAGEMENT PLAN - The State Water Control Board proposes a regulation establishing a new Smith-Dan Subarea Water Quality Management Plan. The Water Board also proposes to amend the Roanoke River Basin Water Quality Management Plan (VR 680-16-02) to delete references to the Smith-Dan Subarea. A draft regulation is being developed. Initial review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-16-02.02)
N.O.I.R.A. Published: August 23, 1993
Public Meeting Held: Sept. 30, 1993
Board Approval for **Public Comment:** Not yet scheduled
Public Hearing on **Draft Regulation:** Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Water Board: Not yet scheduled
Most Recent Publication in **Register:** August 23, 1993
Contact: Michael Scanlan, (540) 562-3666

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WATER QUALITY STANDARDS: TRIENNIAL REVIEW AMENDMENTS - The State Water Control Board proposes to amend existing water quality standards. The amendments would update classifications of trout waters and public water supplies and change language related to the triennial review of water quality standards. State and federal law require a complete review of water quality standards at least once every three years. Draft amendments were reviewed by the Water Board on March 21, 1994, and authorized to be advertised for public comment. Additional amendments were authorized at the Water Board's September 19, 1994, meeting. The public comment period has closed. Final review by the Water Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 680-21-00)
N.O.I.R.A. Published: August 9, 1993
Board Approval for **Public Comment:** March 21, 1994; Sept. 19, 1994

DATES ARE BEST ESTIMATES AND SUBJECT TO CHANGE

Public Hearings on Omft Regulation: March 25, 26, 27, 28, 1996
 Public Comment Period Closed: April 22, 1996
 Adoption by Water Board: Not yet scheduled
 Most Recent Publication in Register: February 5, 1996
 Contact: Eleanore Daub, (804) 6984111

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WATER QUALITY STANDARDS: EXCEPTIONAL WATERS DESIGNATION - The State Water Control Board proposes amendments to existing water quality standards that would designate five surface waters for special protection as exceptional resource waters. The designation would ensure that no water quality degradation can occur. The five waters are the Moormans River in Albemarle County and Shenandoah National Park; Stewarts Creek and Crooked Creek in Carroll County and in land owned by the Department of Game and Inland Fisheries; Whitetop Laurel Creek in Washington County and Jefferson National Forest; and North Creek in Glenwood Ranger District of Jefferson National Forest in Botetourt County. On March 28, 1995, the Water Board voted to defer action on nominations for exceptional waters pending additional board consideration of private property owner notification issues and final resolution of 9 VAC 25-260-30 et seq. (VR 680-2141 .3.C.1) (below).

VAC Number: 9 VAC 25-260-30 et seq. (VR 680-21431 .3.C.3)
 N.O.I.R.A. Published: August 9, 1993
 Board Approval for Public Comment: Oct. 25, 1993
 Public Hearings on Omft Regulation: March 10,15,16,17,22, 1994
 Public Comment Period Closes: April 11, 1994
 Scheduled Adoption by Water Board: Not yet scheduled
 Most Recent Publication in Register: Feb. 7, 1994
 Contact: Jean Gregory, (804) 698+113

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WATER QUALITY STANDARDS: EXCEPTIONAL WATERS LOCAL GOVERNMENT REVIEW PROCESS - The State Water Control Board proposes an amendment to existing water quality standards that would increase the participation of local governments in the nomination and designation process for exceptional resource waters. The amendment would offer local governments the opportunity to determine whether a proposed exceptional waters nomination is consistent with local comprehensive plans. A draft regulation has been developed, was reviewed by the Water Board on December 5, 1994, and authorized to be advertised for public comment. The proposal is temporarily on hold pending results of committee efforts on notification of private property owners.

VAC Number: 9 VAC 25-260-30 et seq. (VR 680-21-01 .3.C.1)
 N.O.I.R.A. Published: Feb. 21, 1994
 Public Meetings: March 22, 23, 1994
 Board Approval for Public Comment December 5, 1994
 Public Hearing on Omft Regulation: Not yet scheduled
 Public Comment Period Closes: Not yet scheduled
 Adoption by Water Board: Not yet scheduled
 Most Recent Publication in Register: Feb. 21, 1994
 Contact: Jean Gregory, (804) 698-4113

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POLICY FOR THE POTOMAC EMBAYMENTS - The State Water Control Board proposes a new regulation that would replace two existing regulating within the Commonwealth's Water Quality Standards: Potomac Embayment Standards (VR 680-21 -07.1.b) and Potomac Enforcement Conference-Recommendation 1 (VR 680-21-07.1 f). The proposed regulation would include maximum effluent limits for CBOD, TSS, P, and seasonal NH₃ for discharges to affected waters. A draft regulation was reviewed by the Water Board September 19, 1994, and authorized to be advertised for public comment. The public comment period has closed. Final review by the Water Board is tentatively scheduled for September 1996.

VAC Number: Not yet assigned (VR 680-11-06)
 N.O.I.R.A. Published: August 9, 1993
 Public Meetings: Sept. 16, 1993; April 20, 1994
 Board Approval for Public Comment Sept. 19, 1994
 Public Hearing on Omft Regulation: March 28, 1996
 Public Comment Period Closed: April 22, 1996
 Adoption by Water Board: (September 1996)
 Most Recent Publication in Register: February 5, 1996
 Contact: Tom Faha, (703) 490-8922

WASTE REGULATIONS

VOLUNTARY REMEDIATION - The Virginia Waste Management Board proposes a regulation to allow persons who own, operate, have a security interest in or a contract for the purchase of contaminated property to voluntarily remediate releases of hazardous substances, hazardous waste, solid waste or petroleum. The regulation would establish standards and procedures for conducting voluntary remediation at sites where cleanup has not been otherwise clearly mandated by state or federal agencies or laws. The regulation is a requirement of the 1995 General Assembly. A public meeting to discuss the intent and development of the regulation has been held and public comment received. A draft regulation is being developed. Initial review by the Waste Board has not yet been scheduled.

VAC Number: Not yet assigned (VR 672-70-1)
 N.O.I.R.A. Published: February 19, 1996
 Public Meeting: March 20, 1996
 Board Approval for Public Comment Not yet scheduled
 Public Hearing on Omft Regulation: Not yet scheduled
 Public Comment Period Closes: Not yet scheduled
 Adoption by Waste Board: Not yet scheduled
 Most Recent Publication in Register: Feb. 19, 1996
 Contact: Watt Gulevich, (804) 698-4218

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SOLID WASTE MANAGEMENT REGULATIONS, AMENDMENT 2 - The Virginia Waste Management Board proposes to amend sections of the state's solid waste management regulations that are not mandated by state or federal laws; are not essential to protect health, safety or welfare of citizens; or are not essential for the efficient and economical performance of important government functions. The Board also proposes to consider less burdensome or intrusive alternatives to sections on ground water monitoring requirements and to improve the clarity of the regulations. A draft regulation is being developed. Initial review by the Waste Board has not yet been scheduled.

DATES ARE BEST ESTIMATES AND SUBJECT TO CHANGE

VAC Number: 9 VAC 20-80-10 et seq. (VR 672-20-10, Amend. 2)
N.O.I.R.A. Published: Sept. 18, 1995
Public Meeting: Oct. 19, 1995
Board Approval for Public Comment: Not yet scheduled
Public Hearing on Draft Regulation: Not yet scheduled
Public comment Period Closes: Not yet scheduled
Adoption by Waste Board: Not yet scheduled
Most Recent Publication in Register: Sept. 18, 1995
Contact: Watt Gulevich, (804) 6984218

HAZARDOUS WASTE MANAGEMENT REGULATIONS, AMENDMENT 14 (WASTE OIL RECYCLING, ETC.) - The Virginia Waste Management Board proposes amendments to existing hazardous waste management regulations to reflect recent changes to federal regulations, including those for waste oil recycling and the universal waste rule. A draft regulation was reviewed by the Waste Board November 7, 1994, and authorized to be advertised for public comment. A draft proposal was reviewed by the Waste Board on January 4, 1996, and authorized to be advertised for public comment. Dates and location of public hearings will be published in a forthcoming edition of The Virginia Register.

VAC Number: 9 VAC 20-80-100 et seq. (VR 672-10-1, Amend. 14)
N.O.I.R.A. Published: Sept. 6, 1993
Public Meeting: Oct. 6, 1993
Board Approval for Public Comment January 4, 1996
Public Hearing on Draft Regulation: Not yet scheduled
Public Comment Period Closes: Not yet scheduled
Adoption by Waste Board: Not yet scheduled
Most Recent Publication in Register: Sept. 6, 1993
Contact: Robert Wickline, (804) 6984213

FINANCIAL ASSURANCE REGULATIONS FOR SOLID WASTE DISPOSAL FACILITIES (SANITARY LANDFILLS) - The Virginia Waste Management Board proposes amendments to existing regulations that would establish financial assurance requirements for municipal solid waste landfills. The amendments would address liability coverage, applicability of requirements and mechanisms for establishing funds for landfill closures and post-closure care. The amendments are necessary to comply with changes in the federal Resources Conservation and Recovery Act. Drafting of a proposed regulation is pending a decision by the Environmental Protection Agency on alternative financial assurance mechanisms for local governments.

VAC Number: 9 VAC 20-70-10 et seq. (VR 672-20-1)
N.O.I.R.A. Published: July 12, 1993
Public Meeting: August 17, 1993

Board Approval for Public Hearing: (January 1997)
Public Hearing on Draft Regulation: (March 1997)
Public Comment Period Closes: (June 1997)
Adoption by Waste Board: (August 1997)
Most Recent Publication in Register: July 12, 1993
Contact: Walt Gulevich, (804) 6984218

VEGETATIVE WASTE - The Virginia Waste Management Board proposes a regulation establishing standards for the siting, design, construction, operation and closure of certain vegetative waste management facilities, including yard waste composting operations. The regulation also would create a simplified "permit by rule" process for such facilities and provide criteria for certain operations to be exempt from refutation. Concurrent with the adoption of this proposed regulation is the proposed repeal of the existing vegetative waste refutation, 9 VAC 20-100 et seq. (VR 672-20-32). A draft proposal was amended and reviewed by the Waste Board on January 4, 1996, and authorized to be advertised for public comment. Public hearings will be held July 29, 1996, in Leesburg; July 30, 1996, in Williamsburg; and August 1, 1998, in Roanoke. Public comment will be accepted through August 23, 1996.

VAC Number: Not yet assigned (VR 672-20-33)
N.O.I.R.A. Published: Sept. 6, 1993
Public Meeting: Oct. 7, 1993
Board Approval for Public Comment: January 4, 1996
Public Hearing on Draft Regulation: July 29, 30; August 1, 1996
Public Comment Period Closes: August 23, 1996
Adoption by Waste Board: Not yet scheduled
Most Recent Publication in Register: Sept. 6, 1993
Contact: Robert Wickline, (804) 6984213

DEQ REGULATIONS

Certain regulations are adopted under authority of the director of the Department of Environmental Quality. Preliminary approval and final adoption of these regulations are the responsibility of the DEQ director, not a citizens board. All other steps in the adoption process are the same as for other regulations.

EARLY RETIREMENT OF OLDER MOTOR VEHICLES - This proposed regulation has been withdrawn. The 1996 General Assembly repealed this regulatory proposal, which provided for the early retirement or "scrappage" of older motor vehicles as a strategy to reduce emissions from motor vehicles. The new legislation allows for a variety of strategies to serve this purpose, such as repairing vehicles, retrofitting them with new technology or using cleaner fuels. Such a program would not be regulatory or state-run but funded and operated by private companies wishing to reduce air emissions.

APPENDIX

The Regulatory Adoption Process

The adoption, change or repeal of any regulation by a Virginia agency must be conducted in accordance with the Virginia Administrative Process Act (unless the agency specifically is exempted by the Act) and with the agency's own public participation policies. In addition, the Governor is required by statute to establish procedures for Executive Branch review of agency regulations. Generally, the adoption process, which can take more than a year to complete, includes several steps:

■ NOTICE OF INTENDED REGULATORY ACTION (N.O.I.R.A.) - The Administrative Process Act requires an agency to signal publicly

its intent to adopt, change or repeal any regulation by publishing a Notice of Intended Regulatory Action in The Virginia Register of Regulations. The published notice must state the topic and purpose of the planned regulation and seek written public comment for a period of not less than 30 days from the date of publication in The Virginia Register.

● PUBLIC MEETING - After publication of the Notice of Intended Regulatory Action, the agency may choose to hold one or more public meetings to answer questions about the intent of the proposed regulation and to receive public comment. These optional public

meetings, which are held no earlier than 30 days after the Notice of Intended Regulatory Action is published, are informal, preregistration for making is not required, and testimony is not recorded. Times and locations of the meetings are included in the Notice of Intended Regulatory Action.

FIRST REVIEW BY BOARD - After a proposed regulation has been drafted by the agency (typically with the assistance of an advisory panel composed of interested citizens and other parties), the proposed regulation is reviewed by the appropriate DEQ citizens board (State Air Pollution Control Board, Waste Management Board, State Water Control Board) and voted upon during an open and publicly called meeting of the board. An affirmative vote means the draft regulation will be published and advertised for public comment in The Virginia Register and newspapers of general circulation. Copies of the proposed regulation are made available for public review. The proposed regulation also is sent to the Governor's Office and the Department of Planning and Budget.

PUBLIC COMMENT PERIOD - The public comment period lasts a minimum of 60 days after publication of the proposed regulation in The Virginia Register and includes at least one public hearing.

PUBLIC HEARING - At least 15 days before the close of the public comment period, the agency holds one or more public hearings to accept comment on the proposed regulation. Public hearings are informal proceedings, and pre-registration to speak is not required. Times and places of hearings are published in The Virginia Register and advertised in newspapers of general circulation.

ADOPTION BY BOARD - After the close of the public comment period, the appropriate citizens board reviews the proposed regulation and, based on public comment and agency recommendations, takes final action on the regulation at an open, publicly called meeting. If adopted, the final regulation is published in The Virginia Register. The adopted regulation also is sent to the Governor's Office and the Department of Planning and Budget.

EFFECTIVE DATE - The adopted regulation becomes effective no earlier than 30 days after it is published in The Virginia Register. The effective date may be delayed by the Governor, an appropriate legislative committee or a petition of at least 25 people requesting additional public comment on substantial changes made to the proposed regulation.

VIRGINIA REGISTER OF REGULATIONS - The Virginia Register of Regulations is published every two weeks by the Virginia Code Commission in the Division of Legislative Services. It contains all proposed and recently adopted state regulations, gubernatorial executive orders, Virginia tax bulletins and notices of public hearings and open meetings of state agencies.

Every proposed regulation is published three times in The Virginia Register: first, as a NOIRA; second, as an advertisement for public comment after preliminary approval by citizens board; and third, after final adoption.

The Virginia Register is available at most public libraries across the state. For more information, contact The Virginia Register of Regulations, General Assembly Building, 910 Capitol St., Richmond, Va. 23219, (804) 786-3591.

DEQ News Briefs

NEW ADDRESS, PHONE NUMBER FOR D.E.Q. TIDEWATER OFFICE

DEQ's Tidewater Regional Office is consolidating air, water and waste operations into one office and moving to a new location. As of July 15, the office's address will be 5636 Southern Blvd., Virginia Beach, VA 23462. The office's new telephone number will be 757-518-2000.

GRANT FUNDS AVAILABLE

The U.S. Department of Energy is accepting two-page abstracts through August 2, 1996 for 1997 NICE grant projects. This grant is available for non-nuclear energy related advances and is awarded to state/industry partnerships.

Also, research and development funding is available through the U.S. Department of Commerce (NIST) under auspices of the Advanced Technology Program (ATP). The funding is available in the following areas: biotechnology, electronics, information/computers/communication/entertainment systems; manufacturing; chemical and chemical processing; materials; energy and environment; and construction. For more information, call K.C. Das at 804-698-4184.

M.A.C.T. UPDATES

Maximum achievable control technology (MACT) initial notification forms are due September 1, 1996, from aerospace manufacturing and rework businesses that are major air emission sources. Also, the deadline for submitting MACT implementation plans has been extended to December 16, 1996, for shipbuilding and ship repair businesses that are major air emission sources; the compliance deadline has been extended to December 16, 1997. For more information, contact Tamera Thompson at 804-698-4502.

DEQ Calendar

Following is a list of upcoming public meetings sponsored by or affiliated with the Department of Environmental Quality. Calendar listings are as accurate as possible at time of publication but are subject to change. The calendar is produced monthly by DEQ's office of external affairs, 804-698-4446.

JULY

- 8 Public hearing, **Richmond** air quality maintenance% plan in support of ozone nonattainment redesignation request, General Assembly Building, House Room C, Capitol Square, Richmond, 10 a.m.
- 8 Public hearing, operating permit for Virginia Power's Dutch Gap plant, General Assembly Building, House Room C, Capitol Square, Richmond, 10 a.m.
- 10 State **Advisory** *Bead* on Air Pollution, DMV, **Agecroft** Room, 2300 W. Broad St., Richmond, 9 a.m.
- 16 Virginia Ground **Water** Protection Steering Committee, State Corporation Commission, 8th Floor Conference Room, 1300 E. Main St., Richmond, 9 a.m.
- 23 Publii hearing, prevention of **significant** deterioration new source review regulation, DEQ, 629 E. Main St., 1st Floor Training Room, Richmond, 10 a.m.
- 24 Publii meeting, **repeal** of toxics management regulation, DEQ, 629 E. Main St., 1st Floor Training Room, Richmond, 10 a.m.
- 25 Water and Wastewater Conference, Virginia Power, 5000 Dominion Blvd., Richmond, 8:30 a.m.
- 29 Public hearing, vegetative waste management and yard waste **composting** regulation, Loudoun County Office Building, Board Room, 1 Harrison St., **Southeast, Leesburg**, 1 p.m.
- 30 Public hearing, vegetative waste management and yard waste **comporting** regulation, James City County Government Center, Building C, Board Room, 101 C Mounts Bay Road, **Williamsburg**, 10 a.m.
- 30 Environmental **Education** Conference (through August 1), Hotel Roanoke, Roanoke.

AUGUST

- 1 Public hearing, vegetative waste management and yard waste **comporting** regulation, Roanoke County Administrative Center, Board Room, 5204 Bernard Drive, Roanoke, 10 a.m.
- Public hearing, Northern Virginia vehicle emissions **inspectic** regulation, Northern Virginia Community College, Forum Room, 8333 Little River Turnpike, Annandale, 7 p.m.
- 8 Public hearing, Northern Virginia vehicle emissions **inspection** regulation, Loudoun County Government Center, Board Room, 1 Harrison Street, Leesburg, 10 a.m.; Stafford County Administration Center, Board Room, 1300 Courthouse Road, Stafford, 7 p.m.
- 13 Air Pollution Control Board, General Assembly Building, House Room C, Capitol Square, Richmond, 9 a.m.



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